

Date 4/14/07

Ms. Robin A. Guerrero
Deputy Executive Officer
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Ms. Guerrero:

Subject: 200600005(2)
Use: Reduce Parking By 1 in
Line of 4 Spaces & Side Yard
Reduction from 4'6" to 3'
Address 1204 W 90th Pl
West Athens - Westmont Zoned District

Related zoning matters:

Tract or Parcel Map No. _____
Change of Zone Case No. _____
Other _____

This is a notice of appeal from the decision of the Regional Planning Commission on:
(Check One)

☒ The Denial of this request
☐ The Approval of this request
☐ The following conditions of the approval:

Briefly, the reason for this appeal is as follows:

There are 52 Properties on this Block
32 of the 52 Don't meet the Parking Requirement
All I'm asking is to Reduce the Parking
to 3 instead of 4 And Rear Side Yd to
3' instead of 4'-6" and I can cut Steps
to meet Driveway of 10' instead of
9' 10" -

Enclosed is a check (or money order in the total amount of \$ 1,780.20.
The amount of \$ 281.20 is estimated to cover the cost of preparing for
the Board of Supervisors six (6) copies of the transcript of all pertinent hearings held by
the Regional Planning Commission. The amount of \$1,499.00 for applicants or \$750.00
for non-applicants is to cover the Regional Planning Department's processing fee.

[Signature]
(Signed) Appellant

ATIM BAKSH
Print Name

4 Hillcrest Manor
Address

Rolling Hills Estate
(323) 974-2804
Day Time Telephone Number



March 22, 2007

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Bruce W. McClendon FAICP
Director of Planning

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ajim Baksh
4 Hillcrest Manor
Rolling Hills Estates, CA 90274

RE: **PROJECT NUMBER R2004-00610-(2)**
VARIANCE NUMBER 200600005-(2)
1304 WEST 90TH PLACE, LOS ANGELES

Dear Applicant:

The Regional Planning Commission, by its action of March 7, 2007, **DENIED** the above described conditional use permit.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant.

If no appeal is made during this 15-day period, the Regional Planning Commission action is final. Upon completion of the 15-day appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. It is advisable that you **make an appointment** with the case planner to assure that processing will be completed expeditiously. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP, Director of Planning

Mark Child, AICP
Supervising Regional Planner
Zoning Permits I Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: Board of Supervisors; Zoning Enforcement; Testifiers, County Counsel

MC:AN
Hearing Footage: March 7, 2007 T2A 280-599, T2B 001-365

MAR 22 2007

PROJECT NUMBER R2004-00610-(2)
VARIANCE NUMBER 200600005-(2)
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES

REGIONAL PLANNING COMMISSION HEARING DATES: March 7, 2007

SYNOPSIS:

The applicant, Mr. Ajim Baksh, is requesting a variance for retroactive approval of an addition to an existing single-family residence to create a duplex. A variance is requested for this addition to authorize reduced yard and driveway setbacks and for less than required parking. The subject property is located at 1304 West 90th Place, within the R-2 Zone.

MARCH 7, 2007 PUBLIC HEARING

A duly noticed public hearing was held before the Regional Planning Commission. Commissioners Valadez, Bellamy, Helsley, and Rew were present. Commissioner Modugno was absent. The applicant, Mr. Ajim Baksh, and three members of the public were sworn in and answered questions posed by the Regional Planning Commission. The Mr. Baksh presented information regarding the attached single-family residence addition, including a Certificate of Occupancy from the Department of Public Works, Building and Safety Division (Building and Safety). Mr. David Vivanco, the previous owner of the subject property, spoke in favor of the request and detailed the history of the property, including that the property had been purchased as an investment and that Mr. Baksh was hired to construct the addition. Mr. Jose Reyes, the current owner of the subject property, also spoke in favor of the request. Mr. Henry Porter, a representative of the Southwest Community Association, spoke in opposition to the request, stating that the building permits for the project were issued and subsequently revoked due to erroneous information that was submitted in applications to Building and Safety, that the area was densely developed and that overcrowded areas are characterized by higher crime rates, and that approval of the variance would not improve the quality of life for the surrounding area. Mr. Baksh commented that he was willing to fix the property up to current standards.

The Commission noted that the subject request was to legalize the unpermitted attached single-family residence addition and that the unpermitted addition was not constructed according to current development standards and should not have been built. The opinion of the Commission was that the request could not be approved as the findings for to grant a variance could not be met. There being no further testimony, the Regional Planning Commission closed the public hearing, indicated its intent to deny the Varaince and directed staff to prepare findings for denial of the project.

Findings

1. The applicant, Mr. Ajim Baksh, is requesting a variance for retroactive approval of an addition to an existing single-family residence to create a duplex. A variance is

requested to authorize reduced yard and driveway setbacks and for the provision of less than required parking.

2. The subject property is located at 1304 West 90th Place, on the south side of the street, between Budlong Avenue and Normandie Avenue. The subject property is located within the unincorporated community of West Athens-Westmont, in the West Athens-Westmont Zoned District.
3. The subject property is 5,400 square feet, or 0.14-acres, in net size and is developed with a 2,305 square foot duplex. The property is accessed by 90th Place, a public street with a 60 foot right-of-way.
4. The subject property is zoned R-2 (Two-Family Residence). Pursuant to Part 2 of Section 22.56 of the Los Angeles County Code, a variance has been requested to reduce the side yard setback from 4 feet 6 inches to 2 feet and 8 inches and to provide less than required driveway width and parking.
5. The surrounding properties are zoned as follows:

North: R-2
South: R-2
East: R-2
West: R-2, C-2 (Neighborhood Business)
6. The subject property is developed with a duplex.
7. Surrounding land uses within 500' include:

North: Single and multi-family residences
South: Single and multi-family residences
East: Single and multi-family residences
West: Single and multi-family residences, vacant properties
8. The following cases have been filed on the subject property:
 - Plot Plan No. RPP200400370 was approved on February 14, 2005 for the construction of an attached dwelling unit to an existing single-family residence. Approval of this plot plan was revoked on October 11, 2005 upon inspection and discovery that the existing and proposed development on the property did not correspond to the approved plot plan, including the location of the existing single-family residence, automobile back-up space, and side and rear yard setbacks.
 - Zoning Enforcement Case No. 06-0007297 was opened on the subject property on March 23, 2006 due to the storage of junk and salvage in the side yards, for provision of no covered parking, and for the denial of the plot plan.

- The County Assessor's Office indicates that the existing single-family residence was built in 1911.
9. The subject property is designated as "RD3.1" (Two-Family Residence) under the West Athens-Westmont Community Plan. Properties designated Two-Family Residence are characterized by residential development with a maximum of 17 units per acre. The gross size of the property is 6,600 square feet [45 feet x (135 feet + 30 foot right of way)], resulting in a density of 13.2 units per acre.
10. West Athens-Westmont Community Plan applicable to the proposed use include:
- To preserve and improve the residential character of the community (West Athens-Westmont Community Plan, Page 6 - Land Use Goal No. 1).
 - To encourage infill and help improve the community form and appearance (West Athens-Westmont Community Plan, Page 7 - Housing Goal No. 5).

Maintenance of residential uses is consistent with the Two-Family Residence designation and with the land use policies of the West Athens-Westmont Community Plan. However, grant of this variance to modify development standards for the subject development will detract from appearance and character of the community. The required parking can not be provided on the subject property and the subject property's residents will be required to park on the street.

11. The site plan, marked Exhibit "A" and dated November 5, 2006, shows the two-family, attached duplex. The duplex includes the original single-family residence and the added second residence which was the subject of the revoked plot plan. The original front unit, which was built in 1911 encompasses 1,020 square feet and contains a patio and entrance along the north side of the building. The second rear unit encompasses 1,285 square feet and has a patio and entrance along the east side of the building. Two covered and one uncovered parking space are shown along the south side of the property. A driveway with a width of 9 feet and 6 inches at it's narrowest is shown along the east side of the property. Solid walls are shown on the east, south, and west sides of the subject property.
12. The existing single-family residences and subject single-family residence addition complies with the 35 foot height and 4,000 square foot minimum lot area requirement of the West Athens-Westmont Community Standards District and R-2 zone.
13. The existing single-family residence was built in 1911 and is existing, non-conforming to current standards for the side yard setback under the R-2 zone.
14. The subject single-family residence addition does not comply with the required 4 foot and six inch side yard setback, the provision of three covered and one

uncovered parking spaces, and 10 foot driveway width. The subject request is to modify these standards and requirements.

15. The subject property does not comply with the minimum 50 percent landscaping for the front yard. Although the site plan indicates that the front yard is landscaped with the exception of the driveway, photographs indicate that a portion of the front yard between the driveway and the porch has been paved.
16. The Department of Regional Planning has determined that a Categorical Exemption is the appropriate environmental documentation under California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) and State and County Guidelines related thereto. The project is within a class of projects which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15303 of the State CEQA Guidelines and Class 1 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G. The project consists of the retroactive approval of an attached second unit within an urbanized area.
17. A total of 151 public hearing notices were mailed to property owners within 500 feet of the subject property on January 30, 2007 regarding the subject request. The notice was published in the Los Angeles Sentinel and La Opinion newspapers on February 1, 2007. Case-related material, including the hearing notice, factual and burden of proof were available on or before February 1, 2007 at the Woodcrest County Library, located at 1340 West 106th Street in Los Angeles. According to the applicant, the hearing notice has been posted on the property for 30 days prior to the public hearing.
18. Three public comments were received regarding this request. In a letter dated February 21, 2007, the Southwest Community Association expressed opposition to the project. One additional letter and one phone call was received in opposition to the project stating opposition to retroactive approval for the request because it had been built without regard to development standards.
19. A representative from the Southwest Community Association spoke at the public hearing in opposition to the project. Two persons spoke at the public hearing in favor of the project.
20. The Commission finds that the subject property does not exhibit physical constraints or special characteristics that limit reasonable development on the subject property. Properties within 500 feet of the subject property are similar in size and in shape and several duplexes have been approved consistent with current development standards including yard setbacks, required driveway width, and parking.

21. The Commission finds that the provision of less than required parking will negatively impact the surrounding community as the subject property's residents will have no option but to park on the street.
22. The Commission finds that the subject property can be reasonably developed in compliance with current development standards and that the grant of the variance request would bestow a special privilege on the subject property.
23. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That there are no special circumstances or exceptional characteristics applicable to the property involved, such as the size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification;
- B. That such variance is not necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone;
- C. That the granting of the variance will be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone;

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing does not substantiate the required findings and burden of proof for a variance as set forth in Section 22.56.330 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. In view of the findings of fact and conclusions presented above, VARIANCE NO. 200600005-(2) is DENIED.

VOTE: 4-0-0-1

Concurring: Valadez, Bellamy, Helsley, Rew

Dissenting: None

PROJECT NO. R2004-00610-(2)
VARIANCE NO. 200600005-(2)

FINDINGS
Page 6 of 6

Abstaining: None

Absent: Modugno

Action Date: March 7, 2007

MC:AN
03/26/07

RPC MEETING DATE
March 7, 2007

AGENDA ITEM NO.
8

REGIONAL PLANNING COMMISSION TRANSMITTAL CHECKLIST

PROJECT NO: R2004-00610-(2)

CASE NO. RVAR200600005-(2)

CONTACT PERSON: Adrienne Ng

- ☒ STAFF REPORT
- ☐ DRAFT CONDITIONS (If Recommended For Approval)
- ☒ DRAFT FINDINGS FOR DENIAL (If Land Division Case Recommended For Denial)
- ☒ BURDEN OF PROOF STATEMENT (Zoning or Plan Amendment Requests)
- ☐ ENVIRONMENTAL DOCUMENTATION
- ☒ THOMAS BROTHERS MAP (Identifying Subject Property)
- ☒ LAND USE RADIUS MAP
- ☒ SITE PLAN (or Tentative Map)
- ☒ PHOTOGRAPHS
- ☒ CORRESPONDENCE
- ☐ _____
- ☐ _____
- ☐ _____

Reviewed By: Mark Anderson



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. R2004-00610-(2)
CASE NO. RVAR200600005-(2)

RPC/HO MEETING DATE	CONTINUE TO
AGENDA ITEM 8	
PUBLIC HEARING DATE March 7, 2007	

APPLICANT Ajim Bakish	OWNER Rafael Deleon and Jose Reyes	REPRESENTATIVE Ajim Bakish
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REQUEST Variance: Retroactive authorization reduced parking and reduced yard setback and access requirements for an attached second unit.
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LOCATION/ADDRESS 1304 West 90 th Place	ZONED DISTRICT West Athens-Westmont		
ACCESS 90 th Place	COMMUNITY West Athens-Westmont		
	EXISTING ZONING R-2 (Two-Family Residence)		
SIZE 0.14 acres	EXISTING LAND USE Residential	SHAPE Rectangular	TOPOGRAPHY Flat

SURROUNDING LAND USES & ZONING	
North: Single and multi-family residences / R-2	East: Single and multi-family residences / R-2
South: Single and multi-family residences / R-2	West: Single and multi-family residences, vacant properties / R-2, C-2 (Neighborhood Business)

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide	_____	_____	_____
West Athens – Westmont Community Plan	3.1 (Two-Family Residence)	8-17 units/acre	See Staff Analysis

ENVIRONMENTAL STATUS Categorical Exemption – (Class 1 – Existing Facilities)

DESCRIPTION OF SITE PLAN The applicant's site plan shows the two-family, attached duplex. The duplex includes the original single-family residence and the added second residence which was the subject of the revoked plot plan. The original front unit, which was built in 1911 encompasses 1,020 square feet and contains a patio and entrance along the north side of the building. The second rear unit encompasses 1,285 square feet and has a patio and entrance along the east side of the building. Two covered and one uncovered parking space are shown along the south side of the property. The majority of the driveway is 13 feet and 9 inches but narrows to 9 feet and 6 inches to accommodate a covered entrance to the second residence addition. A solid wall is shown on the east, south, and west walls.
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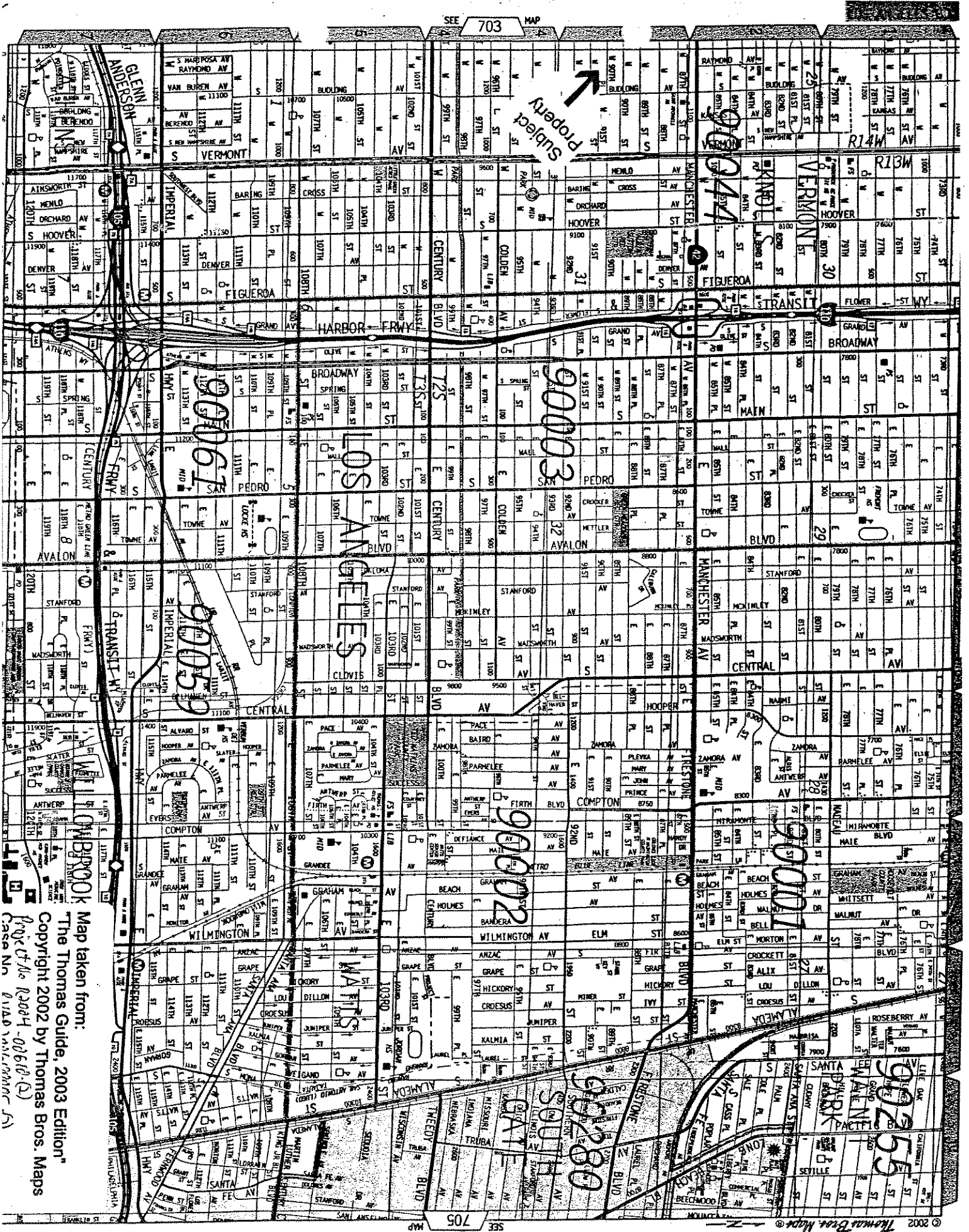
KEY ISSUES ▪ Satisfaction of Section 22.56.290 of Title 22 of the Los Angeles County Code Variance Burden of Proof requirements. ▪ Consistency of the proposal with surrounding development.
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(If more space is required, use opposite side)

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS*	PETITIONS	LETTERS
(O) (F)	(O) (F)	(O) (F)

*(O) = Opponents (F) = In Favor



Subject Property

90003

90061

90059

90002

90001

90280

90255

Map taken from:
"The Thomas Guide, 2003 Edition"
Copyright 2002 by Thomas Bros. Maps
Project No. R2004-00668-2
Case No. 01404-00668-2

STAFF ANALYSIS

PROJECT NUMBER R2004-00610-(2)

VARIANCE NUMBER 200600005-(2)

PROJECT DESCRIPTION

The applicant, Mr. Ajim Baksh, is requesting a variance for retroactive approval of an addition to an existing single-family residence to create a duplex. A variance is requested for this addition to authorize reduced yard and driveway setbacks and for less than required parking. The subject property is located at 1304 West 90th Place, within the R-2 Zone.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property is located at 1304 West 90th Place, on the south side of the street, between Budlong Avenue and Normandie Avenue. The subject property is located within the unincorporated community of West Athens-Westmont, in the West Athens-Westmont Zoned District.

Physical Features

The subject property is 5,400 square feet, or 0.14-acres in net size, and is developed with a 2,305 square foot duplex. The property is accessed by 90th Place, a public street with a 60 foot right-of-way.

ENTITLEMENT REQUESTED

Pursuant to Part 2 of Section 22.56 of the Los Angeles County Code, a variance has been requested to reduce the side yard setback from 4 feet 6 inches to 2 feet and 8 inches and to provide less than required driveway width and parking.

EXISTING ZONING

Subject Property

The subject property is zoned R-2 (Two-Family Residence).

Surrounding Properties

Surrounding properties within 500' are zoned as follows:

North: R-2
South: R-2
East: R-2
West: R-2, C-2 (Neighborhood Business)

EXISTING LAND USES

Subject Property

The subject property is developed with a duplex.

Surrounding Properties

Surrounding land uses within 500' include:

North: Single and multi-family residences

South: Single and multi-family residences

East: Single and multi-family residences

West: Single and multi-family residences, vacant properties

PREVIOUS CASES/ZONING HISTORY

The following cases have been filed on the subject property:

Plot Plan No. RPP200400370 was approved on February 14, 2005 for the construction of an attached dwelling unit to an existing single-family residence. Approval of this plot plan was revoked on October 11, 2005 upon inspection and discovery that the existing and proposed development on the property did not correspond to the approved plot plan, including the location of the existing single-family residence, automobile back-up space, and side and rear yard setbacks.

Zoning Enforcement Case No. 06-0007297 was opened on the subject property on March 23, 2006 due to the storage of junk and salvage in the side yards, for provision of no covered parking, and for the denial of the plot plan.

Records from the County Assessor's Office indicate that the existing single-family residence was built in 1911.

WEST ATHENS-WESTMONT COMMUNITY PLAN

Land Use Policy Map

The subject property is designated as "RD3.1" (Two-Family Residence) under the West Athens-Westmont Community Plan. Properties designated Two-Family Residence are characterized by residential development with a maximum of 17 units per acre. The gross size of the property is 6,600 square feet [45 feet x (135 feet + 30 foot right of way)], resulting in a density of 13.2 units per acre.

Applicable West Athens-Westmont Community Plan Land Use Policies

- a. To preserve and improve the residential character of the community (West Athens-Westmont Community Plan, Page 6 - Land Use Goal No. 1).
- b. To encourage infill and help improve the community form and appearance (West Athens-Westmont Community Plan, Page 7 - Housing Goal No. 5).

Maintenance of residential uses, including duplexes, are consistent with the Two-Family Residence designation and with the land use policies of the West Athens-Westmont Community Plan. However comments from the public indicate that granting this variance request may detract from appearance and character of the community because the required parking can not be provided.

SITE PLAN

The applicant's site plan, dated November 5, 2006, shows the two-family, attached duplex. The duplex includes the original single-family residence and the added second residence which was the subject of the revoked plot plan. The original front unit, which was built in 1911 encompasses 1,020 square feet and contains a patio and entrance along the north side of the building. The second rear unit encompasses 1,285 square feet and has a patio and entrance along the east side of the building. Two covered and one uncovered parking space are shown along the south side of the property. The majority of the driveway is 13 feet and 9 inches but narrows to 9 feet and 6 inches to accommodate a covered entrance to the second residence addition. Solid walls are shown on the east, south, and west sides of the property.

COMPLIANCE WITH APPLICABLE ZONING STANDARDS

West Athens-Westmont Community Standards District

Community-Wide Development Standards

Section 22.44.120-D of the County Code states the zone specific development standards for the R-2 zone under the West Athens-Westmont Community Standards District:

Section 22.44.120-D.2.a – Height - The maximum height permitted in Zone R-2 shall be 35 feet.

The site plan shows that the maximum height of the project is 15 feet and 1 inch. The site plan conforms to these requirements.

Section 22.44.120-D.1.b - Maintenance - Properties shall be neatly maintained and free of debris, overgrown weeds, junk, and garbage. A minimum of 50 percent of the front yard area shall be landscaped and maintained with grass, shrubs and/or trees.

A minimum of 607 square feet of the front yard shall be landscaped. The site plan indicates that the front yard shall be landscaped, with the exception of the driveway. Photographs indicate that a portion of the front driveway has been widened. A portion of the front yard between the driveway and the porch has been paved, removing required landscaping. This requirement has not been met.

Compliance with Applicable Zoning Standards

R-2 Zone

Part 3 of Section 22.28 of the County Code states the development standards for the R-2 Zone. Applicable development standards include:

Section 22.20.220 – Yards - Yard requirements shall be as follows: front yards- 20 feet and rear yards – 15 feet. Section 22.20.220-B refers to Section 22.48.100 – Interior Side Yards – Where a lot or parcel of land is less than 50 feet in width, such lot or parcel of land may have interior side yards equal to 10 percent of the average width, but in no event less than three feet in width. The property frontage is 45 feet, there a minimum of 4 feet and 6 inches interior side yard is required.

The site plan shows a front yard setback of 26 feet and 11 inches, an east side yard of 9 feet and 6 inches, a west side yard of 2 feet and 8 inches, and a rear yard of 27 feet and 9.5 inches. With the exception of the west side yard, the site plan conforms to these requirements. The west side yard requires a minimum of 4 feet and 6 inches. The existing single-family residence is existing, non-conforming, however the 2 foot and 8 inch west side yard along the single-family residence addition does not meet this requirement. The applicant has requested a variance to modify this requirement.

Section 22.20.230 - Parking - Per Section 22.52.1180, one and one half covered and one half uncovered parking spaces shall be provided for each residence.

The two residential units require a total of three covered parking spaces and one uncovered parking space. Two covered spaces and one uncovered space is shown on the site plan. The code requirement has not been met. The applicant has requested a variance to modify this requirement.

Section 22.52.1030-A - Driveway width – Driveways shall not be less than 10 feet wide.

At its narrowest, the subject driveway is 9 feet and 6 inches in width. The development does not comply with this requirement. The entry staircase and porch for the second residence encroaches in to the required driveway width. The applicant has requested a variance to modify this requirement.

Section 22.20.240-C – Lot Area – A two-family residence together with outbuildings customary to such use is permitted in Zone R-2, if there are no other buildings or structures thereon, may be used on a lot or parcel of land having the required area and an area not less than 4,000 square feet if no number follows the zoning symbol.

The property is zoned R-2, which requires a minimum of 4,000 square feet of lot area for the development of a two-family residence. The subject property is 6,075 square feet. This requirement has been met.

Burden of Proof per Code

Pursuant to Los Angeles County Code Section 22.56.290 the applicant must meet the following additional burden of proof requirements for a variance.

1. That there are special circumstances or exceptional characteristics applicable to the property involved, such as the size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification.
2. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone.
3. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and

zone.

Staff is of the opinion that the burden of proof has not been met. The subject property is similar in size and in shape to lots adjacent within 500 feet. The applicant has submitted materials indicating that other properties in the vicinity do not provide the required parking, however aerial photographs and Assessor's data shows that properties developed with two-family residences have provided the required parking or that properties were developed prior to existing requirements. Recently approved plot plans RPP200600276, RPP200501392, RPP200600975, RPP200500415, and RPP200501336 indicate that duplexes can be developed on properties similar to the subject property and be in compliance with the West-Athens Community Standards District and R-2 Zone standards. The grant of a variance for less than required parking will add additional parking problems to a neighborhood that is already heavily impacted by on-street parking, according to public comments. As evidenced by Assessor's data and aerial photographs no special physical characteristics limit development on the property in a way that would prevent development on the subject property to current code requirements. Granting the requested variance may compromise public health, safety, and welfare by not maintaining adequate setbacks nor parking.

ENVIRONMENTAL DOCUMENTATION

Staff has determined that a Categorical Exemption is the appropriate environmental documentation under California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) and State and County Guidelines related thereto. The project is within a class of projects which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15303 of the State CEQA Guidelines and Class 1 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G. The project consists of the retroactive approval of an attached second unit within an urbanized area.

FIELD INVESTIGATION

Staff visited the site on March 22, 2006. Staff found the completed duplex and inoperable vehicles and junk and salvage items being stored in the required yard setbacks. Parking was being maintained in the front yard setback in violation of the yard and landscaping requirements. No covered parking was provided at the rear. Staff noted street parking was limited.

STATE AND COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff did not seek any Department comments or recommendations.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

A total of 151 public hearing notices were mailed to property owners within 500 feet of the subject property on January 30, 2007 regarding the subject request. The notice was published in the Los Angeles Sentinel and La Opinion newspapers on February 1, 2007. Case-related material, including the hearing notice, factual and burden of proof were available on or before February 1, 2007 at the Woodcrest County Library, located at 1340 West 106th Street in Los Angeles. According to the applicant, the hearing notice

has been posted on the property for 30 days prior to the public hearing.

PUBLIC COMMENTS

Two public comments were received regarding this request. In a letter dated February 21, 2007, the Southwest Community Association expressed opposition to the project. This letter has been attached to this report. One phone call was received in opposition to the project stating opposition to retroactive approval for the project because it had been built without regard to development standards.

STAFF EVALUATION

The applicant is requesting a variance for retroactive approval for the construction of an attached single-family residence to an existing single-family residence. A variance has been requested for the provision of reduced yard and driveway setbacks and for a reduction in parking.

A duplex is a permitted use in the R-2 zone, however the second single-family residence was not built in accordance to current development standards. Properties within 500 feet of the subject property have been developed with duplex residences in accordance with current development standards. Staff is of the opinion that the subject property does not exhibit special circumstances or is physically constrained in such a way that it is deprived of the ability to develop similar to other properties in the surrounding area. Approval of a variance would grant a special privilege to the subject property and may cause adverse on-street impacts to the surrounding neighborhood, as evidenced by comments from the public.

STAFF RECOMMENDATIONS

Prior to making a decision on this case, Staff recommends the Planning Commission consider the facts, analysis and correspondence contained in this report along with the oral testimony and/or written comments received during the public hearing. Staff also recommends that the Regional Planning Commission consider if the proposed project will meet the following findings:

- If there are special circumstances or exceptional characteristics applicable to the subject property, such as the size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification.
- If the subject variance request is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone.
- If granting the subject variance will be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

If the Commission finds the request **does not** satisfy the variance burden of proof requirements and the applicable development standards and pertinent policies of the

West-Athens-Westmont Community Plan, then staff recommends **Denial of Variance Case Number 200600005-(2)**

If the Commission recommends denial of the request, the following should be considered:

- All unpermitted, non-conforming structures should be brought in to conformance with current standards, including the demolition of unpermitted, non-conforming structures within the required yard setbacks and provision of an adequate width driveway and adequate parking.

SUGGESTED MOTION

"I MOVE THAT THE PUBLIC HEARING BE CLOSED AND THAT THE REGIONAL PLANNING COMMISSION DENY VARIANCE NUMBER 200600005-(2) WITH THE ATTACHED FINDINGS."

Attachments:

Applicant's Burden of Proof
Site Plan/Site Photos
Land Use Map

MC:AN

03/01/07

PROJECT NUMBER R2004-00610-(2)
VARIANCE NO. 200600005-(2)
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES

REGIONAL PLANNING COMMISSION HEARING DATES: March 7, 2007

SYNOPSIS:

The applicant, Mr. Ajim Baksh, is requesting a variance for retroactive approval of an addition to an existing single-family residence to create a duplex. A variance is requested for this addition to authorize reduced yard and driveway setbacks and for less than required parking. The subject property is located at 1304 West 90th Place, within the R-2 Zone.

Findings

1. The applicant, Mr. Ajim Baksh, is requesting a variance for retroactive approval of an addition to an existing single-family residence to create a duplex. A variance is requested to authorize reduced yard and driveway setbacks and for less than required parking.
2. The subject property is located at 1304 West 90th Place, on the south side of the street, between Budlong Avenue and Normandie Avenue. The subject property is located within the unincorporated community of West Athens-Westmont, in the West Athens-Westmont Zoned District.
3. The subject property is 5,400 square feet, or 0.14-acres, in net size and is developed with a 2,305 square foot duplex. The property is accessed by 90th Place, a public street with a 60 foot right-of-way.
4. The subject property is zoned R-2 (Two-Family Residence). Pursuant to Part 2 of Section 22.56 of the Los Angeles County Code, a variance has been requested to reduce the side yard setback from 4 feet 6 inches to 2 feet and 8 inches and to provide less than required driveway width and parking.
5. The surrounding properties are zoned as follows:
 - North: R-2
 - South: R-2
 - East: R-2
 - West: R-2, C-2 (Neighborhood Business)
6. The subject property is developed with a duplex.
7. Surrounding land uses within 500' include:

North: Single and multi-family residences
South: Single and multi-family residences
East: Single and multi-family residences
West: Single and multi-family residences, vacant properties

8. The following cases have been filed on the subject property:

- Plot Plan No. RPP200400370 was approved on February 14, 2005 for the construction of an attached dwelling unit to an existing single-family residence. Approval of this plot plan was revoked on October 11, 2005 upon inspection and discovery that the existing and proposed development on the property did not correspond to the approved plot plan, including the location of the existing single-family residence, automobile back-up space, and side and rear yard setbacks.
- Zoning Enforcement Case No. 06-0007297 was opened on the subject property on March 23, 2006 due to the storage of junk and salvage in the side yards, for provision of no covered parking, and for the denial of the plot plan.
- The County Assessor's Office indicates that the existing single-family residence was built in 1911.

9. The subject property is designated as "RD3.1" (Two-Family Residence) under the West Athens-Westmont Community Plan. Properties designated Two-Family Residence are characterized by residential development with a maximum of 17 units per acre. The gross size of the property is 6,600 square feet [45 feet x (135 feet + 30 foot right of way)], resulting in a density of 13.2 units per acre.

10. West Athens-Westmont Community Plan applicable to the proposed use include:

- To preserve and improve the residential character of the community (West Athens-Westmont Community Plan, Page 6 - Land Use Goal No. 1).
- To encourage infill and help improve the community form and appearance (West Athens-Westmont Community Plan, Page 7 - Housing Goal No. 5).

Maintenance of residential uses is consistent with the Two-Family Residence designation and with the land use policies of the West Athens-Westmont Community Plan. However, grant of this variance to modify development standards for the subject development will detract from appearance and character of the community. The required parking can not be provided on the subject property and the subject property's residents will be required to park on the street.

11. The site plan, marked Exhibit "A" and dated November 5, 2006, shows the two-family, attached duplex. The duplex includes the original single-family residence and the added second residence which was the subject of the revoked plot plan.

The original front unit, which was built in 1911 encompasses 1,020 square feet and contains a patio and entrance along the north side of the building. The second rear unit encompasses 1,285 square feet and has a patio and entrance along the east side of the building. Two covered and one uncovered parking space are shown along the south side of the property. A driveway with a width of 9 feet and 6 inches at it's narrowest is shown along the east side of the property. Solid walls are shown on the east, south, and west sides of the subject property.

12. The existing single-family residences and subject single-family residence addition complies with the 35 foot height and 4,000 square foot minimum lot area requirement of the West Athens-Westmont Community Standards District and R-2 zone.
13. The existing single-family residence was built in 1911 and is existing, non-conforming to current standards for the side yard setback under the R-2 zone.
14. The subject single-family residence addition does not comply with the required 4 foot and six inch side yard setback, the provision of three covered and one uncovered parking spaces, and 10 foot driveway width. The subject request is to modify these standards and requirements.
15. The subject property does not comply with the minimum 50 percent landscaping for the front yard. Although the site plan indicates that the front yard is landscaped with the exception of the driveway, photographs indicate that a portion of the front yard between the driveway and the porch has been paved.
16. The Department of Regional Planning has determined that a Categorical Exemption is the appropriate environmental documentation under California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) and State and County Guidelines related thereto. The project is within a class of projects which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15303 of the State CEQA Guidelines and Class 1 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G. The project consists of the retroactive approval of an attached second unit within an urbanized area.
17. A total of 151 public hearing notices were mailed to property owners within 500 feet of the subject property on January 30, 2007 regarding the subject request. The notice was published in the Los Angeles Sentinel and La Opinion newspapers on February 1, 2007. Case-related material, including the hearing notice, factual and burden of proof were available on or before February 1, 2007 at the Woodcrest County Library, located at 1340 West 106th Street in Los Angeles. According to the applicant, the hearing notice has been posted on the property for 30 days prior to the public hearing.

18. Two public comments were received regarding this request. In a letter dated February 21, 2007, the Southwest Community Association expressed opposition to the project. This letter has been attached to this report. One phone call was received in opposition to the project stating opposition to retroactive approval for the project because it had been built without regard to development standards.
19. The Commission finds that the subject property does not exhibit physical constraints or special characteristics that limit reasonable development on the subject property. Properties within 500 feet of the subject property are similar in size and in shape and several duplexes have been approved consistent with current development standards including yard setbacks, required driveway width, and parking.
20. The Commission finds that the provision of less than required parking will negatively impact the surrounding community as the subject property's residents will have no option but to park on the street.
21. The Commission finds that the subject property can be reasonably developed in compliance with current development standards and that the grant of the variance request would bestow a special privilege on the subject property.
22. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION
CONCLUDES:

- A. That there are no special circumstances or exceptional characteristics applicable to the property involved, such as the size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification;
- B. That such variance is not necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone;
- C. That the granting of the variance will be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone;

PROJECT NO. R2004-00610-(2)
VARIANCE NO. 200600005-(2)

FINDINGS
Page 5 of 5

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing does not substantiate the required findings and burden of proof for a variance as set forth in Sections 22.56.290 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. In view of the findings of fact and conclusions presented above, VARIANCE NO. 200600005-(2) is DENIED subject to the attached conditions.

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

MC:AN
03/01/07

VARIANCE CASE – BURDEN OF PROOF

Date: August 10, 2006

Applicant: Ajim Baksh
4 Hillcrest Manor
Rolling Hills, CA 90274

Owner : Rafael De Leon
1304 W. 90th Pl.
Los Angeles, CA 90044

Project Location: 1304 W. 90th Pl.
Los Angeles, CA 90044

County Assessors Parcel # 6009-017-003

Request:

Pursuant to the provisions of the *Los Angeles County Title 22 Planning and Zoning Code* Section 22.16, the applicant is seeking a Variance to allow the reduction of 3 parking spaces, 2 of which are covered and one uncovered and also a side yard modification of 4' feet in lieu of the required 5 feet along the north east side, and a yard modification for the reduction of driveway width of 9 feet.

Project Description:

The subject property is a level, rectangular-shaped of land, having a frontage of 40 ft. of 90th Pl. and an interior depth of 135 feet. The subject site is an existing duplex with 6,075 square feet lot coverage. There are 3 parking spaces provided with 2 covered and one uncovered spaces.

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or

3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The subject project in questioned is an existing duplex family dwelling. There are no improvements that would adversely affect the health, comfort or welfare of the surrounding area.

The applicant is only requesting to modify the parking requirement and side yard setbacks due to the limited space the property in questioned has. It is the applicant's intent to correct this issues so no violations will ever be brought up from the city regarding this property.

The proposed request will not be materially detrimental or constitute a menace to the public health or general welfare. The site as mentioned earlier, is an existing duplex that was granted with an approval from the Engineering department. A legal Certificate of Occupancy recognizing the duplex that exist in this property is also a proof that this duplex has coexisted harmoniously with the neighboring community free of harm. The issues relating to parking and yard modifications was unfortunately overlooked by the county's engineer but the applicant with no hesitation is here to correct this matter.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with uses in the surrounding area.

The subject project is located within a mixed of single to multi-family dwellings. Each lot are improved according to the amount of square footage available. Since most of the lots on this area are small, issues regarding setback requirements and parking availability are common. Although most lots do conform to city guidelines, some like our subject site cannot meet such requirements.

The design of the site plan was approved under the Bureau of Engineering's approval unit and the site is being constructed to Code or have abided by conditions set forth by the Regional Planning Department. The uses and improvements of the subject project are designed and arranged to enhance the development of adjacent properties. Thus, the subject site is adequate in size and shape to accommodate any required or requested improvements.

C. That the proposed site is adequately served:

- 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate, and**
- 2. By other public or private service facilities as are required.**

The 90th Place, a designated local highway dedicated a variable width of 60 feet to the north and south and also Normandie Ave, located 485 feet from subject site are designed to be arteries that provide steady traffic stream associated with the residential community in the area.

Trash pick-up by a private trash contractor will be accessed through the wide driveway and conducted at the trash enclosures located near the loading area for each building. In addition, the subject site receives all utility and sewer services provided through under ground pipes. Thus, the proposed project is adequately served by a sufficiently wide highway and by other public and private service facilities.

D. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classifications.

The subject project has 6, 075 square feet of lot area which 2, 154 square feet of it is the floor area. The amount of lot left dedicated for setbacks and parking area are very limited therefore the applicant can only provide limited space for the parking requirements.

The subject parcel as mentioned previously, is located primarily in a single to multi unit family dwellings which each lot is designed according to the amount of unit that can be accommodated on each parcel. Due to the size of each lot, minor adjustments are necessary to meet the acceptable requirements of City.

E. That granting a variance will not be materially detrimental to the public welfare or be injurious to the other property or improvements in the same vicinity and zone.

The granting of such variance will not be materially detrimental to the public welfare or be injurious to other properties because the subject site in questioned is an existing duplex that has been there for many years problem free. Such variance is necessary for this type of project to set guidelines for owners not meeting the code requirements.

UNITED EFFORT FOR THE BETTERMENT OF OUR COMMUNITY

SOUTHWEST COMMUNITY ASSOCIATION

P.O. Box 47898
LOS ANGELES, CALIF. 90047

February 21, 2007
Regional Planning Commission
320 W. Temple St. Rm. 1348
Los Angeles, Ca. 90012

SUBJECT: PROJECT NO. R2004-00610(2) & VARIANCE CASE NO. 200600005-(2)
1304 W. 90th Pl.

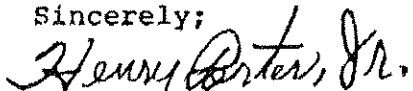
This is to oppose approval of the subject requests. The opposition is based on the following:

1. Permits were issued for this addition/duplex on July 9, 2002. Those permits were revoked on March 11, 2003 due to erroneous information that was submitted on the application. Therefore, the current code violations on the property appear to have been done through deception and does not warrant any relief.
2. DENSITY: The Athens-Westmont Community Standards District plan was developed and approved by the Board of Supervisors to address numerous issues that impacted our lives within the community. Density was one of the key identifiers that diminished our quality of life through overcrowding that contributes to criminal activities, overloading the aged infrastructure, etc. Density concerns were addressed through down-zoning. To permit this lot to be overdeveloped with reduced setbacks and reduced parking defeat our efforts to control density and our attempt to maintain an acceptable quality of life within our community.
3. Off-site parking is currently impacted on a daily basis in front of as well as surrounding this location. This is an older section of the community with many legal non-conforming properties that provide less parking than that required under current code. Reduced parking on this site would only add to an already bad situation.
4. There appear to be a pattern of requests for variances, Conditional use permits (CUP) or other administrative relief by this applicant after projects are completed. Therefore, this is a total disregard for the rule of law and an abuse of the administrative process.
5. Approval of this request may send a message and set a precedent for this and other applicants that it is permissible to overdevelop properties and then seek administrative relief if or when the violations are detected.

REQUEST: It is requested that the subject request be denied and that all structures, required parking, etc. be made to conform to the letter of all affected codes.

CONCLUSION: While there is indeed a need for and a shortage of affordable housing within the Los Angeles County, we cannot condone the filling of that void through situations represented in this case.

Sincerely;



Henry Porter, Jr., President
(323) 757-5506

cc: Mike Bohlke, Asst. Chief Deputy to
Supervisor Yvonne B. Burke

Permit Log**R2006-00551****RPP200600276**

Scope: Proposed 868 sq. ft. second unit, two car garage. Plot plan RPP 200600276 is approved for a residential duplex and detached 3-car carport with setbacks as shown. One uncovered parking space shall also be provided as shown. The height of the structures shall not exceed 16 feet above grade.

Location: 1248 W 90TH PLACE, LOS ANGELES, CA 90044

Decision: APRVCON

06/13/2006 DIRECTOR APPROVED

06/13/2006 APPROVED PLANS DISTRIBUTED: PLANS APPROVED ON 6/12/06 AND MAILED TO APPLICANT ON 6/13/06

06/12/2006 PLOT PLAN ADDITIONAL REVIEW

06/08/2006 ADDTL INFO RECD: RECEIVED 3 SETS OF REVISED PLANS.

05/30/2006 ADDTL INFO REQUESTED: CORRECTION LETTER ON 05-30-06 MAILED TO GUILLERMO HERNANDEZ ON 05-31-06

05/30/2006 PLOT PLAN ADDITIONAL REVIEW

05/17/2006 ADDTL INFO RECD: RECEIVED 3 SETS OF REVISED SITE PLANS

04/25/2006 ADDTL INFO REQUESTED: CORRECTION LETTER ON 04-25-06 MAILED TO GUILLERMO HERNANDEZ ON 04-25-06

04/25/2006 PLOT PLAN ADDITIONAL REVIEW

04/24/2006 ADDTL INFO RECD: RECEIVED 3 SETS OF REVISED PLANS. - LJ - 4/24/06

03/23/2006 PLOT PLAN INITIAL REVIEW

03/23/2006 ADDTL INFO REQUESTED: CORRECTION LETTER ON 03-23-06 MAILED TO GUILLERMO HERNANDEZ ON 03-23-06

02/16/2006 APPLICATION RECD: RE-ROUTED TO DAVE VANNATTA MAR-02-06 RETURNED BY DAVE VANNATTA MAR-14-06

Permit Log

R2005-02734

RPP200501392

Scope: ?□Approved for a new two-story residential unit on a property, which has an existing single-family residence.□?□A two-car garage, a covered carport, and an uncovered parking space are provided to meet the parking requirement for a total of 2 dwelling units on site. □?□The height of the new structure is less than 26 feet □?□The following setbacks are to be maintained: 20 feet front yard, 5 feet side yard, and 15 feet rear yard setbacks.□

Location: 1229 W 90TH PLACE, LOS ANGELES CA 90044

11/28/2005 ADDTL INFO RECD: RECEIVED THREE COPIES OF THE CORRECTED SITE PLAN.

11/28/2005 APPROVED

10/17/2005 PLANNER ASSIGNED

10/17/2005 ADDTL INFO REQUESTED

10/03/2005 PLOT PLAN INITIAL REVIEW

08/22/2005 APPLICATION RECD

Permit Log**R2006-01709****RPP200600975**

Scope: CONSTRUCTION A SFD AND CARPORT. Plot plan RPP 200600975 is approved for a new single-family residence and detached 4-car carport with setbacks as shown. The existing residence on the lot shall remain for a total of two residences. The height of the structure shall not exceed 13 feet above grade. Landscaping shall cover at least 50% of the required front yard area. Obtain building permit for proposed addition.

Location: 9221 S BUDLONG AVE L.A. CA 90044

07/24/2006 APPROVED PLANS DISTRIBUTED: PLANS APPROVED ON 7/20/06 AND MAILED TO APPLICANT ON 7/24/06

07/24/2006 DIRECTOR APPROVED

07/19/2006 PLOT PLAN ADDITIONAL REVIEW

07/18/2006 PLOT PLAN INITIAL REVIEW

06/01/2006 APPLICATION RECD

Permit Log**R2005-01458****RPP200500415**

Scope: ?☐ Approved for a one-story addition to an existing one-story single-family residence. The addition is 276 square feet for two new bedrooms and a bathroom. The height of the addition is approximately 20 feet.

☐

?☐ Also approved for a new two-story detached residence. The residence includes a new two-car carport and recreation room with bathroom on the first floor. The 1,199.5 square feet second floor includes a kitchen, dining/living room, four bedrooms and two baths. The height is approximately 23 feet 11 inches.

11/14/2005 APPROVED PLANS DISTRIBUTED: APPLICANT WILL PICK UP PLANS.

11/14/2005 DIRECTOR APPROVED

11/09/2005 ADDTL INFO RECD: APPLICANT SUBMITTED REVISED PLANS.

08/09/2005 ADDTL INFO REQUESTED: CORRECTION LETTER SENT. NEED ELEVATIONS FROM ALL DIRECTIONS, BUILDING PERMITS, LEGAL DESCRIPTION.

07/07/2005 ADDTL INFO REQUESTED

07/07/2005 ADDTL INFO RECD

07/07/2005 PLOT PLAN INITIAL REVIEW: 1. CASE ROUTED TO D.V. FOR INTIAL REVIEW ON 04/05/05

03/23/2005 APPLICATION RECD

Permit Log**R2005-02670****RPP200501336****Scope:** Proposed second unit. R-2 zone.**Location:** 1305 W 91ST STREET LOS ANGELES CA 90044**Decision:** APRVCON

09/21/2005 ADDTL INFO RECD: RECEIVED THROUGH MAIL, FOUR SETS OF PLANS

09/21/2005 APPROVED PLANS DISTRIBUTED: PLANS APPROVED AND DISTRIBUTED TO RONALD C GODALL ON 9/21/05

09/21/2005 DIRECTOR APPROVED

09/21/2005 ADDTL INFO RECD

09/12/2005 ADDTL INFO RECD: RECEIVED A COPY OF THE CERTIFIED SEWER LETTER

09/12/2005 ADDTL INFO REQUESTED: CORRECTION LETTER SENT OUT

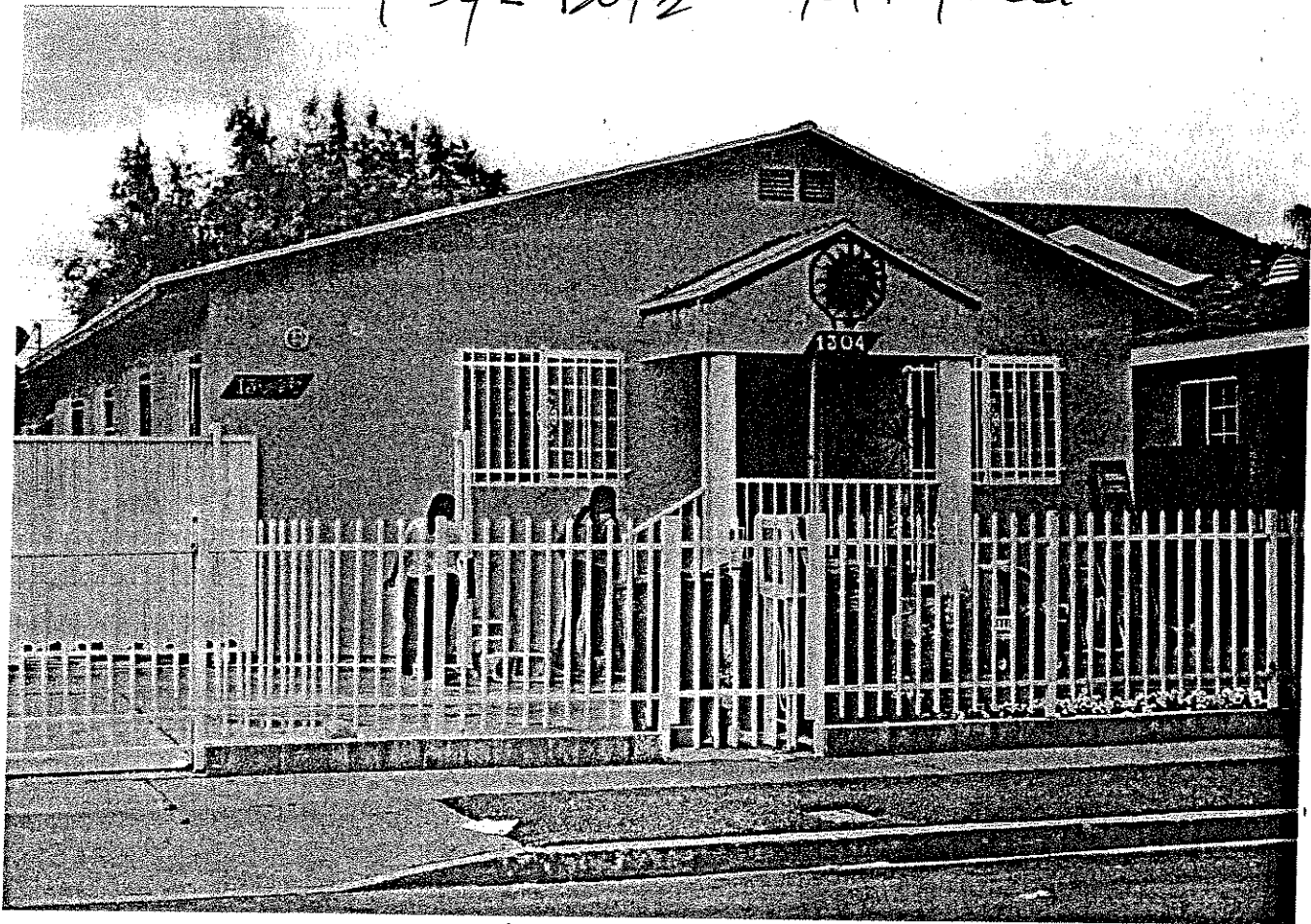
09/12/2005 APPLICATION RECD: RECEIVED SEWER LETTER

09/12/2005 PLOT PLAN INITIAL REVIEW: CORRECTION LETTER SENT OUT

09/12/2005 ADDTL INFO RECD

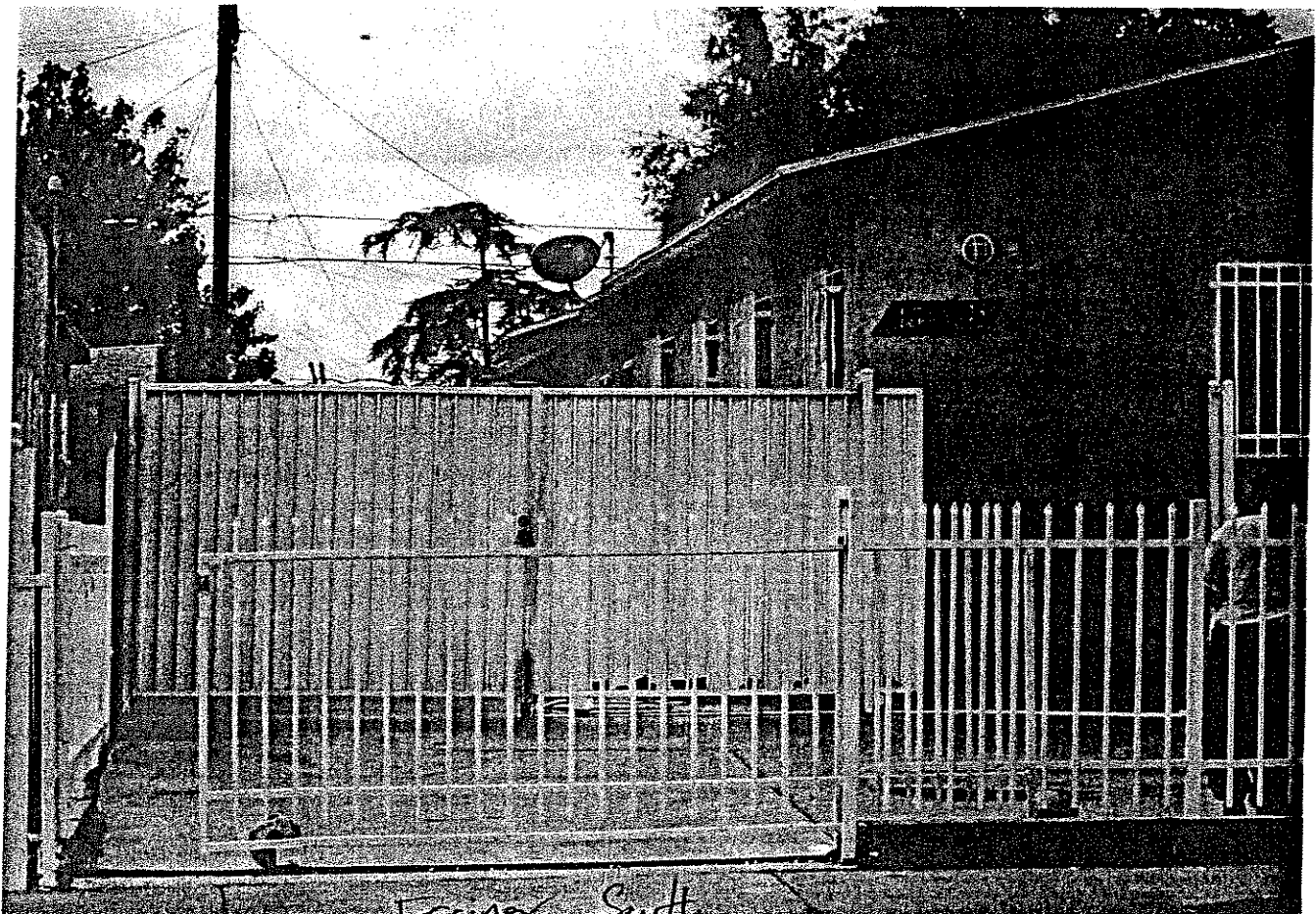
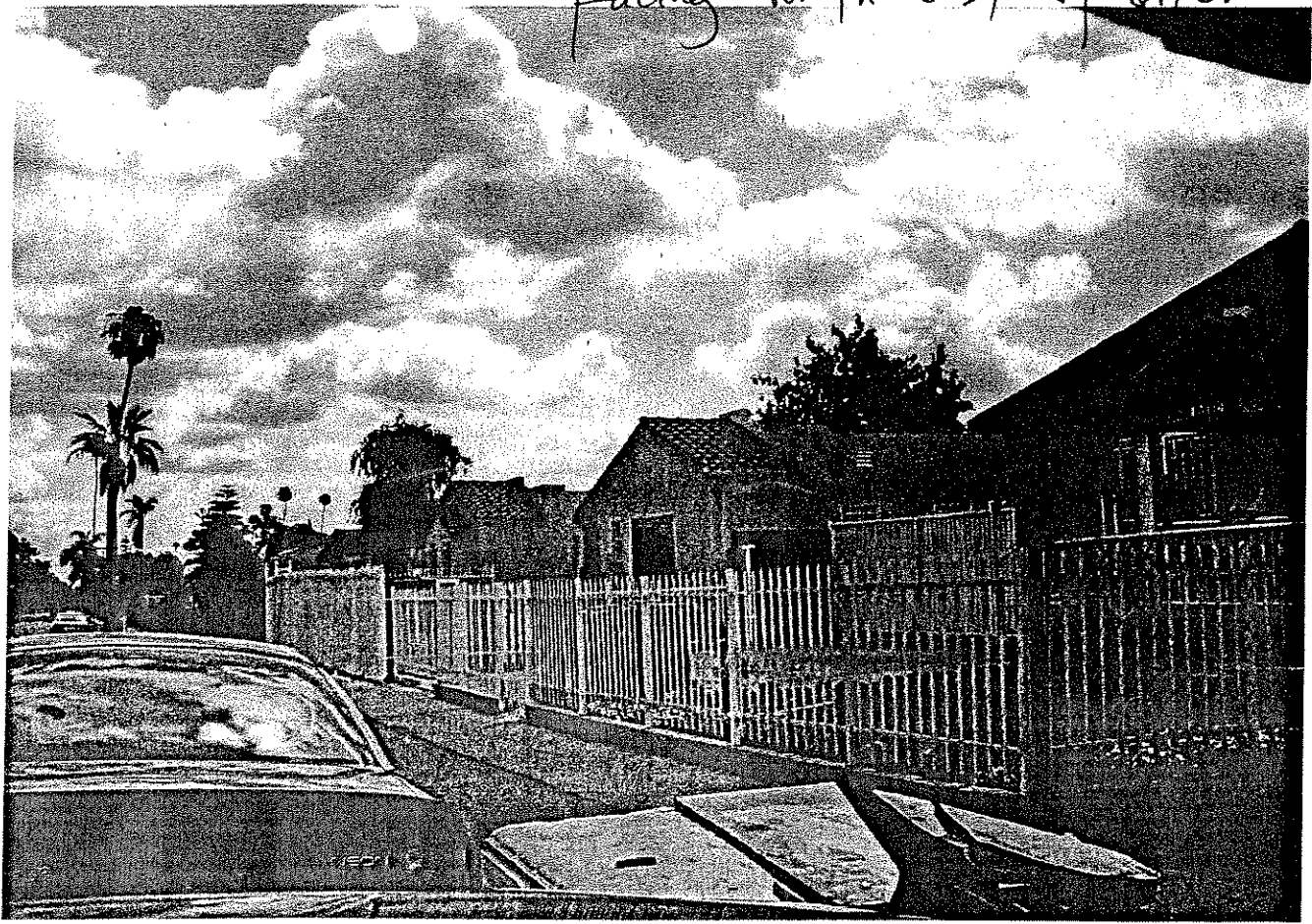


pro 4- 1304 1/2 W. 90th Place.



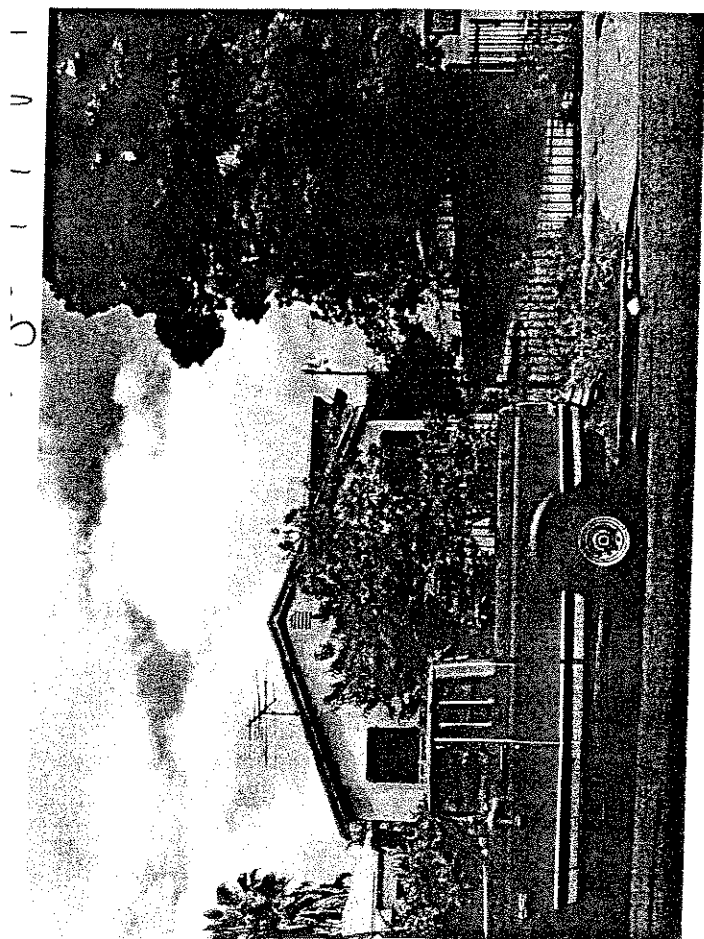
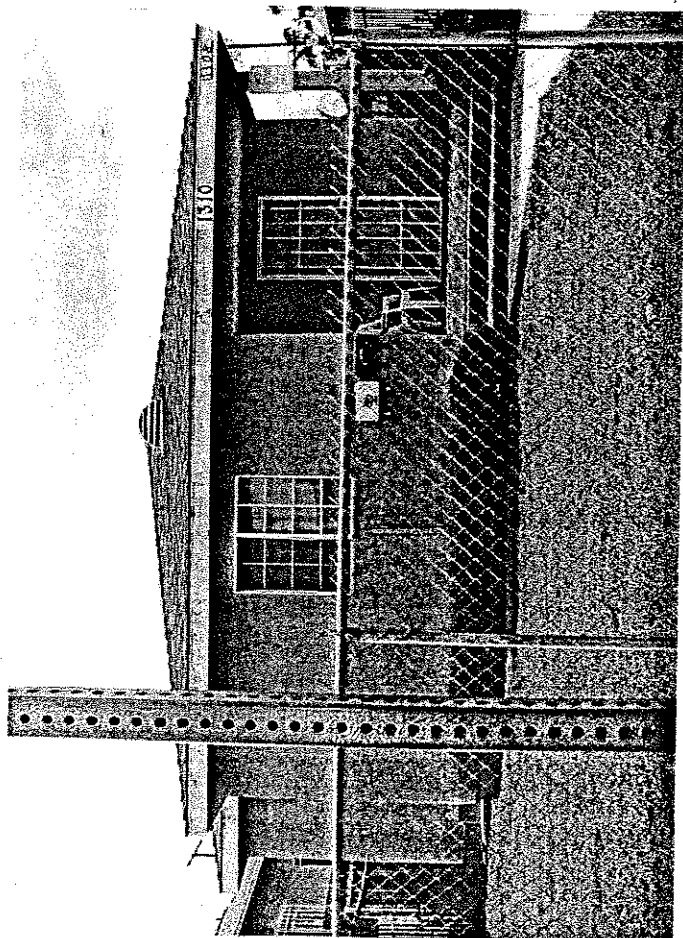
Front View of Subject Site.

Facing North East of site.



Facing South

A black and white photograph of a modern, angular building with a flat roof and large windows. A white car is parked in front of the building. The scene is set in a tropical environment with palm trees and a cloudy sky.



Item 8

March 5, 2007

Department of Regional Planning
County of Los Angeles
320 West Temple Street
Los Angeles, CA 90012

Attn: Ms. Adrienne Ng

Via Fax: 213-626-0434

Re: Notice of Public Hearing
Project No. R2004-00610-2
Variance Code No# 200600005-2

Dear Honorable Commissioners:

I am in opposition to the request for a retroactive authorization variance of this unpermitted duplex unit, authorizing reduced parking and reduced yard setback and access requirements in the R-2 (Two-Family Residence) Zone .

If everyone who lived in the West Athens-Westmont zoned district violated the ordinances by not getting proper permits, our community would be substandard.

This variance should be denied and the owners made to bring it up to code.

Sincerely,

Drue Cole

Drue Cole
1251 W. 92nd Street
Los Angeles, CA 9004
Cel: 323-377-0106

UNITED EFFORT FOR THE BETTERMENT OF OUR COMMUNITY

SOUTHWEST COMMUNITY ASSOCIATION

P.O. Box 47898
LOS ANGELES, CALIF. 90047

February 21, 2007
Regional Planning Commission
320 W. Temple St. Rm. 1348
Los Angeles, Ca. 90012

SUBJECT: PROJECT NO. R2004-00610(2) & VARIANCE CASE NO.200600005-(2)
1304 W. 90th Pl.

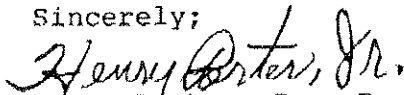
This is to oppose approval of the subject requests. The opposition is based on the following:

1. Permits were issued for this addition/duplex on July 9, 2002. Those permits were revoked on March 11, 2003 due to erroneous information that was submitted on the application. Therefore, the current code violations on the property appear to have been done through deception and does not warrant any relief.
2. DENSITY: The Athens-Westmont Community Standards District plan was developed and approved by the Board of Supervisors to address numerous issues that impacted our lives within the community. Density was one of the key identifiers that diminished our quality of life through overcrowding that contributes to criminal activities, overloading the aged infrastructure, etc. Density concerns were addressed through down-zoning. To permit this lot to be overdeveloped with reduced setbacks and reduced parking defeat our efforts to control density and our attempt to maintain an acceptable quality of life within our community.
3. Off-site parking is currently impacted on a daily basis in front of as well as surrounding this location. This is an older section of the community with many legal non-conforming properties that provide less parking than that required under current code. Reduced parking on this site would only add to an already bad situation.
4. There appear to be a pattern of requests for variances, Conditional use permits (CUP) or other administrative relief by this applicant after projects are completed. Therefore, this is a total disregard for the rule of law and an abuse of the administrative process.
5. Approval of this request may send a message and set a precedent for this and other applicants that it is permissible to overdevelop properties and then seek administrative relief if or when the violations are detected.

REQUEST: It is requested that the subject request be denied and that all structures, required parking, etc. be made to conform to the letter of all affected codes.

CONCLUSION: While there is indeed a need for and a shortage of affordable housing within the Los Angeles County, we cannot condone the filling of that void through situations represented in this case.

Sincerely;



Henry Porter, Jr., President
(323)757-5506

cc: Mike Bohlke, Asst. Chief Deputy to
Supervisor Yvonne B. Burke

RD 0370
Past six months
August 1, 2006-
January 30, 2007

Part One and Part Two Crime Comparison

0370	August 1, 2005- January 31, 2006	August 1, 2006- January 30, 2007	Change
Murder	4	0	Down 4
Rape	5	3	Down 40%
Robbery	20	27	Up 35%
Assault	57	58	Up 1
Burglaries	25	33	Up 32%
Larceny/Theft	24	30	Up 25%
GTA	15	27	Up 87%
Arson	4	5	Up 20%
Total	154	183	Up 19%

0370	August 1, 2005- January 31, 2006	August 1, 2006- January 30, 2007	Change
Part II Crimes	199	250	Up 26%

Part II = victimless crimes

Prepared by Crime Analyst Joe Walker
February 23, 2007



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. R2004-00610-(2)
CASE NO. RVAR200600005-(2)

RPC/HO MEETING DATE	CONTINUE TO
AGENDA ITEM 8	
PUBLIC HEARING DATE March 7, 2007	

APPLICANT Ajim Bakish	OWNER Rafael Deleon and Jose Reyes	REPRESENTATIVE Ajim Bakish
--------------------------	---------------------------------------	-------------------------------

REQUEST
Variance: Retroactive authorization for reduced parking and reduced yard setback and access requirements for an attached second unit.

LOCATION/ADDRESS 1304 West 90 th Place		ZONED DISTRICT West Athens-Westmont	
ACCESS 90 th Place		COMMUNITY West Athens-Westmont	
		EXISTING ZONING R-2 (Two-Family Residence)	
SIZE 0.14 acres	EXISTING LAND USE Residential	SHAPE Rectangular	TOPOGRAPHY Flat

SURROUNDING LAND USES & ZONING	
North: Single and multi-family residences / R-2	East: Single and multi-family residences / R-2
South: Single and multi-family residences / R-2	West: Single and multi-family residences, vacant properties / R-2, C-2 (Neighborhood Business)

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide			
West Athens – Westmont Community Plan	3.1 (Two-Family Residence)	8-17 units/acre	See Staff Analysis

ENVIRONMENTAL STATUS
Categorical Exemption – (Class 1 – Existing Facilities)

DESCRIPTION OF SITE PLAN
The applicant's site plan shows the two-family, attached duplex. The duplex includes the original single-family residence and the added second residence which was the subject of the revoked plot plan. The original front unit, which was built in 1911 encompasses 1,020 square feet and contains a patio and entrance along the north side of the building. The second rear unit encompasses 1,285 square feet and has a patio and entrance along the east side of the building. Two covered and one uncovered parking space are shown along the south side of the property. The majority of the driveway is 13 feet and 9 inches but narrows to 9 feet and 6 inches to accommodate a covered entrance to the second residence addition. A solid wall is shown on the east, south, and west walls.

KEY ISSUES

- Satisfaction of Section 22.56.290 of Title 22 of the Los Angeles County Code Variance Burden of Proof requirements.
- Consistency of the proposal with surrounding development.

(If more space is required, use opposite side)

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON Adrienne Ng (213)-974-6443		
RPC HEARING DATE(S) March 7, 2007	RPC ACTION DATE March 7, 2007	RPC RECOMMENDATION Denial
MEMBERS VOTING AYE Valadez, Bellamy, Helsley, Rew	MEMBERS VOTING NO None	MEMBERS ABSTAINING None
STAFF RECOMMENDATION (PRIOR TO HEARING) Denial		
SPEAKERS* (O) None (F) Two	PETITIONS (O) None (F) None	LETTERS (O) Two (F) None

*(O) = Opponents (F) = In Favor